

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JOYCE A. PARNELL,

Plaintiff,

v.

CIVIL ACTION NO. 5:07-cv-00390

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

JUDGMENT ORDER

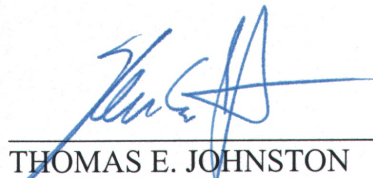
Joyce A. Parnell (Plaintiff) brings this action under Title II of the Social Security Act, 42 U.S.C. §§ 401–433, seeking review of the final decision of the Commissioner of Social Security (Defendant) denying her application for disability insurance benefits. By Standing Order dated September 20, 2005, and filed in this case on June 20, 2007, this matter was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and a recommendation (PF&R) pursuant to 28 U.S.C. § 636(b)(1)(B). On August 27, 2008, Judge VanDervort filed his PF&R [Docket 15]. In that document, the magistrate judge recommended that this Court deny Plaintiff’s Motion for Judgment on the Pleadings [Docket 13], grant Defendant’s Motion for Judgment on the Pleadings [Docket 14], affirm the final decision of the Defendant, and dismiss the matter from the Court’s docket.

The Court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes

a waiver of de novo review by this Court and the right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by September 15, 2008, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Accordingly, the Court (1) **ADOPTS** Judge VanDervort's recommendation in its entirety, (2) **DENIES** Plaintiff's Motion for Judgment on the Pleadings [Docket 13], (3) **GRANTS** Defendant's Motion for Judgment on the Pleadings [Docket 14], and (4) **DISMISSES** this action from the Court's docket. The Clerk is **DIRECTED** to send a certified copy of this Judgment Order to all counsel of record, any unrepresented party, and Magistrate Judge VanDervort.

ENTER: SEPTEMBER 23, 2008



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE